IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

–

WRIT PETITION NO : 3582 of 1995

Between:

1. Akula Venkataramana Rao, S/o. Rama Rao,
   R/o Rajahmundry Town, East Godavari District.
2. Akula Govindarajulu, S/o. Rama Rao,
   R/o Rajahmundry Town, East Godavari District.
3. Akula Shanti Gnaneswara Rao, S/o. Rama Rao,
   R/o Rajahmundry Town, East Godavari District.
4. Akula Satyana Ghanashyam Das, S/o. Rama Rao,
   R/o Rajahmundry Town, East Godavari District.
5. Akula Srinivasa Rao, S/o. Rama Rao,
   R/o Rajahmundry Town, East Godavari District.

.. PETITIONERS

AND

1 Mandal Revenue Officer,
  Uppalaguptam Mandal, East Godavari District.
2 Revenue Divisional Officer,
  Amalapuram, East Godavari District.
3 District Collctor,
  East Godavari District, at Kakinada.

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ and direct the respondents to act in accordance with law and forbear from interfering with

the possession and enjoyment of the petitioners in respect of the lands mentioned in the Annexure to this Writ Petition, situated in N.Kothapalli Village, Uppalaguptam Mandal, East Godavari District, and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioners: MR.V.VENKATARAMANA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioners, 5 in number, claim to have purchased various extents of land, situated in N.Kothapalli village of Uppalaguptam Mandal, East Godavari district, under registered sale deeds during the period 1964-1968 and continued to be in possession and enjoyment of the said lands. They claim to be the absolute owners of the lands. They have even filed the declarations under the provisions of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, way back in 1975. The Land Reforms Tribunal, by its order, dated 15-09-1978, in L.C.C.Nos.1122 to 1128 of 1975, computed the said lands into the petitioners' holding.

They are aggrieved by the general notice, dated 16-06-1994, issued by the first respondent to the effect that in N.Kothapalli village, assignment of lands was made about 30 years ago and the details of the assignments were not available, but as the lands in the said village are assigned lands, the assignments granted 30 years ago are liable to be cancelled for violation of conditions of the assignments and, accordingly, explanations were called for from the interested persons. The petitioners, apprehending summary dispossession from the lands, filed the present writ petition.

This Court having directed that *rule nisi* to be issued, *vide* its order, dated 24-02-1995, directed the respondents to maintain *status-quo* as regards the possession.

In the counter filed by the respondents, it is *inter alia* stated that the original assignees have sold the lands in question not only to the petitioners but to various other individuals in contravention of the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977), (for short "the Act"), and the impugned notice was issued as a prelude to set the law in motion under the provisions of the Act for the purpose of redemption of the assigned lands. It is also stated that the petitioners were never in possession of the lands and therefore, the question of dispossession, as such, does not arise.

The question as to whether the petitioners have purchased the assigned lands from the original 'D'-Form patta holders contrary to the provisions of the Act, is required to be gone into by the competent authority, for which purpose necessary enquiry is required to be held, in accordance with the provisions of the said Act. In such an event, the petitioners also, undoubtedly, would be entitled to a notice and an opportunity to participate in the enquiry, to be initiated, under the provisions of the Act. The respondents cannot summarily dispossess the petitioners from their possession, even if they have purchased the assigned lands contrary to the provisions of the Act, unless an enquiry is held into the matter for the purposes of determining as to whether the

petitioners have purchased any assigned lands contrary to the mandatory provisions of the Act.

For the aforesaid reasons, this writ petition is disposed of directing the respondents to put the petitioners also on notice, in case, if they so intend to proceed further in the matter under the provisions of the Act and permit them to participate in the enquiry and take further action in accordance with law. The *status quo* existing as on
24-02-1995 shall have to be maintained until the enquiry to be initiated is completed, in accordance with law, resulting in passing of orders under the provisions of the Act. It is needless to observe that it shall always be open to the petitioners to avail such remedies as may be available to them in law, in case they are aggrieved by the orders to be passed by the respondents. Suffice it to clarify that this order shall not preclude the authorities from making an appropriate enquiry into the matter, for passing orders under the provisions of the Act. There shall be an order accordingly.

The writ petition is accordingly disposed of without any order as to costs.

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B. SUDERSHAN REDDY, J.

Date:09-12-2004

GS*/GJ*

To

1. Mandal Revenue Officer,
   Uppalaguptam Mandal, East Godavari District.

2. Revenue Divisional Officer,
   Amalapuram, East Godavari District.

3. District Collctor,
   East Godavari District, at Kakinada.

4. Two C.Cs to the G.P. for Revenue, High Court of A.P., Hyderabad (O.U.T.)

5. 2CD copies